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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,363	10/25/2001	John Steffen	PGI6044P0221US	2326

7590

10/26/2005

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
500 WEST MADISON STREET  
SUITE 3800  
CHICAGO, IL 60661-2511

EXAMINER
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LEE, RIP A

ART UNIT	PAPER NUMBER
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1713

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

10/001,363

Applicant(s)

STEFFEN ET AL.

Examiner

Rip A. Lee

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on August 15, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-10 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This office action follows a request for continued examination (RCE) under 37 § C.F.R. 1.114, filed on August 15, 2005. Applicants have amended claims 1, 4, 6, and 7. Claims 1-7 are pending.

#### *Claim Rejections - 35 USC § 102*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 2, 4, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Mor *et al.* (U.S. 5,969,026).

The invention of Mor *et al.* provides for a concentrate having a polymer containing a wetting agent (col. 5, line 12). Olefin types include LDPE (col. 5, line 23), and polymer formulations contain 0.1-20 wt % of surface active agent or wetting agent (col. 8, line 33). Compositions are used in manufacture of fibers or fabric, diaphragms, liners, and membranes (col. 5, lines 1-5).

3. Claims 1, 2, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomson (U.S. 4,490,323).

Thomson discloses a masterbatch or concentrate containing 10-30 wt %, and preferably, 10-15 wt % of wetting agent (claim 10, and col. 2, line 64). The carrier resin is low density polyethylene, *inter alia*, which are commercially available as UNIPOL polyethylenes (col. 3, lines 60-63). End products are films (col. 5, line 47).

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4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones *et al.* (U.S. 3,668,172).

Jones *et al.* discloses a polyethylene concentrate composed of pigment highly dispersed in low molecular weight polyethylene (abstract). Use of low density polyethylene is recommended in col. 2, line 47. The concentrate will contain about 20-80 wt % of inorganic pigment, and 3-35 wt % of surfactant, based on the amount of pigment. One gleans from example 4 that titanium dioxide is a useful pigment. The end product containing the concentrate is a fiber, film, tape, ribbon, *etc.* (col. 3, line 30). The reference does not illustrate the exact composition of the instant claims, however, it would have been obvious to one having ordinary skill in the art to arrive at the claimed subject matter since all essential features are disclosed adequately in the patent.

5. The examiner appreciates Applicant's elucidation of the claimed subject matter. Whereas the present invention is drawn to an internal wetting agent, Goins et al. (U.S. 3,607,341) is drawn to an external coating composition. As such, all rejections set forth in the previous office action have been withdrawn.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rip A. Lee whose telephone number is (571)272-1104. The examiner can be reached on Monday through Friday from 9:00 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached at (571)272-1114. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

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October 20, 2005



DAVID W. WU  
SUPERVISORY PATENT EXAMINER  
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